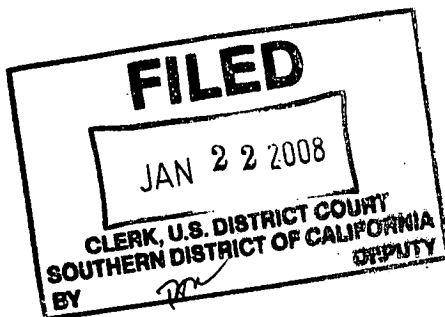


AUSA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Victor Hugo CHAVEZ,

Defendant.

Mag. Case No.

'08 MJ 8040

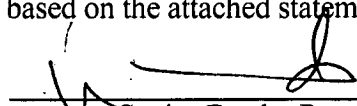
COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326
Deported Alien Found In the
United States

The undersigned complainant being duly sworn states:

On or about January 20, 2008, within the Southern District of California, defendant Victor Hugo CHAVEZ, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF JANUARY 2008.


PETER C. LEWIS
U.S. MAGISTRATE JUDGE

I, Senior Border Patrol Agent Juan Suarez declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complainant states that this complaint is based upon the statements of the apprehending Border Patrol Agent F. Gonzalez, that the defendant was found and arrested on or about January 20, 2008, in Calexico, California.

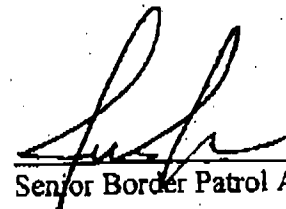
At approximately 6:50 a.m., the Remote Video Surveillance Operator informed Agent Gonzalez that four subjects one later identified Victor Hugo CHAVEZ entered the United States by climbing over United States/Mexico border fence. Agent Gonzalez responded to the area. The RVS operator guided agent Gonzalez to the last known location of the four subjects. Agent Gonzalez encountered four subjects trying to conceal themselves beneath a trailer. Agent Gonzalez identified himself as a United States Border Patrol Agent and questioned the four individuals as to their immigration status to be in the United States legally. All the individuals stated that they were citizens of Mexico with no immigration documents to be in the United States legally.

Record checks revealed Victor Hugo CHAVEZ was deported from the United States to Mexico on June 5, 2007. Record checks also revealed that CHAVEZ has an extensive criminal history.


At approximately 4:00 p.m., CHAVEZ was advised of his rights as per Miranda.

There is no evidence CHAVEZ has sought or received permission from the Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States.

Executed on January 21, 2008 at 1045.


Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find Probable cause to believe that the defendant named in this probable cause statement committed the offense on January 20, 2007 in violation of Title 8, United States Code 1326.


Hon. Jan M. Adler
United States Magistrate Judge


Date/Time